

Lori Mackey/CBP/USEPA/US, S:Shared/Grants/PO Revised Protocol (01/13/2011)

EPA PROJECT OFFICER POST-AWARD EVALUATION PROTOCOL
(USED FOR ADVANCED AND BASELINE MONITORING)
CHESAPEAKE BAY PROGRAM OFFICE (CBPO)

BACKGROUND INFORMATION (PART 1)

MID YEAR/SIX MONTH: yes	GRANT NUMBER(s): FY 2009-14 CB-97377601	
1. DATE PREPARED: 11/14/11	2. RECIPIENT NAME: PA DEP	
3. ENTER ALL DATES: a. OFF-SITE CONFERENCE CALL DATE: 11/09/11 b. ON-SITE REVIEW DATE: N/A c. REPORT DATE: 11/14/11 (Date Report Sent by Email to Grantee) d. CLOSED DATE: 11/14/11 (Date all major issues resolved, if applicable, otherwise this date is same as Report Date.)	4. PROJECT OFFICER(s): Nita Sylvester PARTICIPANTS/PERSONS CONTACTED - EPA: Nita Sylvester - GRANTEE: Steve Taglang, Marjorie Hughes and David Lewis of PA DEP	
5. TYPE OF EVALUATION: Off-site Evaluation		
6. <u>AWARD INFORMATION</u> Grant	8. <u>PROJECT / BUDGET PERIOD DATES:</u>	
	BEGINNING	ENDING
	Project Period: 7/1/09	6/30/14
	Budget Period: 7/1/09	6/30/14
7. <u>AWARD AMOUNT</u> EPA share: \$11,385,000 approved; \$6,811,000 awarded as of 11/09/11; \$4,574,000 contingent. <ul style="list-style-type: none"> \$2,237,000 awarded 10/21/2009 \$2,287,000 awarded 6/22/2010 \$2,287,000 awarded 7/13/2011 Recipient share/Match: \$11,385,000 Total: \$22,770,000 approved; allowable project cost is \$18,196,000, as of 7/13/2011.	9. <u>BRIEF PROJECT DESCRIPTION:</u> This grant agreement aids the recipient in the implementation of best management practices that reduce nutrients and sediment pollution in PA's portion of the Chesapeake Bay watershed. This work will achieve and maintain the water quality necessary to improve the aquatic living resources of the Bay and its tributaries. Federal funds of \$4,574,000 are contingent upon availability.	

10. PROVIDE BRIEF DESCRIPTION OF RECIPIENT:

Response: The state of PA is a signatory to the 1983, 1987 and 2000 Chesapeake Bay agreements. The DEP is the lead state agency for implementing Bay restoration and water quality improvement activities in the Potomac and Susquehanna river basins.

11. DESCRIBE THE GRANT WORK-PLAN COMMITMENTS:

1. **Program Management, Evaluation and Planning:** Provide administrative support and technical assistance to Chesapeake Bay programs and activities.
2. **Monitoring and TMDL Development:** DEP's Bureau of Water management and the SRBC will assist and support the development of sediment and nutrient TMDLs within the Susquehanna River Watershed in meeting requirements of the April 1997 Memorandum of Understanding (MOU) between DEP and EPA. This is for non-AMD TMDLs. SRBC and DEP will coordinate selection of stream segments for non-TMDL development. SRBC will develop non-AMD TMDLs employing various approved methods.
3. **Chesapeake Bay Education Office:** Provide education that supports Pennsylvania's Chesapeake Bay program and addresses the elements of Pennsylvania's tributary strategy. Since 1986 the Pennsylvania Association of Conservation Districts, Inc. (PACD) has administered the PA Chesapeake Bay Education Office on behalf of the PA Department of Environment Protection. County conservation districts play an integral role in the delivery of the products and services provided by the PA Chesapeake Bay Education office and conservation districts have established networks with local watershed organizations and are able to support their efforts. The 2009-14 grant will deliver products and services that enhance and support district activities related to the Tributary Strategy and the district's proposed County Implementation Plans.
4. **Technical Assistance:** Provide technical assistance for 43 technicians in 38 counties and 7 engineers to provide assistance to landowners in the Chesapeake Bay cost-share/special project program and to other agricultural landowners requesting technical assistance for development of Nutrient management Plans and BMPs.
5. **Cost Share Program:** Provide funding to landowners to encourage voluntary adoption of agricultural best management practices (BMPs) to achieve measurable reductions in reducing nutrient and sediments that are critical to managing NPS pollution. This includes reducing nutrient and sediment pollution by installing stream bank fencing that prevents livestock access to waterways in the Chesapeake Bay watershed as well as other innovative BMPs. Conservation Districts contract with landowners and obligate cost share funds to implement BMPs to address the most critical nutrient management problems identified on the farm. This includes soil erosion control, surface water control, animal waste management, and management of various nutrients applied to cropland. The Chesapeake Bay cost share program has been ongoing since Pennsylvania entered the program in 1985.

12. DISCUSS PREVIOUS RECOMMENDATIONS/CONCERNS/OPEN PROGRAMMATIC FINDINGS, IF ANY EXIST; ARE THEY OR WILL THEY BE REMEDIED?:

a. If applicable, Previous Recommendations/Concerns listed in this Item 12 on Last Monitoring Review Report. Discuss if they will or will not be remedied?

Response: N/A

b. Open Programmatic Findings in Last Monitoring Review (Refer to Part II, Item 7, PO Suggestions and Recommendations). If applicable, are there any open programmatic findings for this Award in last monitoring review (could not provide a “closed date” on last monitoring review report because of major finding(s))? Provide date of resolution and explanation on how finding(s) have been resolved.

Response: N/A

RESULTS OF REVIEW WITH RECOMMENDATIONS (success & findings) - PART II

1. Scope of Review: Summarize the purpose of your review.

If appropriate, list issues that will be raised for resolution during the review (e.g., need response on why the recipient spent half of the grant award and hasn't produced a literature review).

Response: The purpose of this review is to determine progress on the variety of projects completed under the FY'09-14 Implementation Grant from 7/1/10- 6/30/11. PA submitted their semi-annual report under this grant on 10/3/11. EPA provided comments on 10/20/11 and PA submitted a revised report on 11/1/11. EPA provided comments on 11/2/11 and PA submitted a revised report on 11/3/11. EPA accepted the report on 11/3/11. This review is based upon the accepted report.

2. Financial: POs are responsible for:

>Analyzing the budget information in the reports by reviewing the payment history (using recipient progress reports, Financial Status Reports, or Financial Data Warehouse reports) and comparing actual amounts spent against the planned budget in the work plan.

>Providing rebudget approval to the Grants Specialist on the recipients request to rebudget grant funds or on other actions which require prior approval from EPA.

PO to Review, Discuss, and Respond:

a. Is this award incrementally funded? Response: yes

b. Has the recipient begun work under this assistance agreement? Response: yes

c. Ensure funds are available to complete the project: as of 11/08/11

Answer the following:

*Amount of EPA funds awarded: \$6,811,000

*Amount of EPA funds paid: \$3,849,137.28

*Remaining Balance: \$2,961,862.72

% of Project Completed: 97% of the first year; 91% of the second year; 0% of the third year**

% of Funds Paid: 100% of the FY09 increment; 68% of the FY10 increment; 0% of the FY11 increment**

**Since this monitoring review covers activities through 6/30/11, and FY11\$ were not awarded until 7/13/11, third year activities are not applicable.

* Information found on Financial Data Warehouse Report at

http://oasint.rtpnc.epa.gov/neis/grant_web.grant_inquiry

d. Has the recipient made any drawdowns on this award since the award date or last monitoring review? Response: yes

e. Is the payment history consistent with the progress to date? Response: yes

f. Are the expended and remaining funds reasonable? Response: PA has spent \$\$3,849,137 (85%) of the total EPA funds awarded through 6/30/11 (FY09 and FY10 add up to 4,524,000, however, they have "awarded", via sub-award and contract obligations, 100% of the EPA \$\$ budgeted for subawards/contracts (\$4,399,342). Even though they award \$\$ to their grantees and contractors, they do not reimburse them until they are provided with invoices. When they get the invoices from their grantees and contractors, they draw down the EPA funds to pay the grantees and contractors. PA DEP is only allowed to make award obligations if they have EPA \$\$ in hand, so they were awarded the FY11 increment for this grant in order to start their solicitation process for new projects from their grantees.

g. Does this review indicate any need to amend the award? Response: No.

- **Verify with recipient if there is enough funding in place to cover expected costs?** If no, provide explanation. (*Contact either Lori Mackey or Ronnie Kuczynski for assistance to possibly add funds*)

Response: yes

- **Are the Project/Budget Period(s) long enough to cover the time that it will take to complete the project?** If no, provide explanation. (*Contact either Lori Mackey or Ronnie Kuczynski for assistance prior to requesting time extension request from recipient.*)

Response: yes - they may need to extend the BB/PP end date to 6/30/15 when they submit request for FY13 funds.

h. Does the recipient require any PO/Grant Office approvals/amendments for cost or activities not included in the original award? Respond to the following:

- **Significant changes or re-budgeting over 10% of award total (as applicable).** Response: No
- **Re-budgeting between direct and indirect costs (Part 30 or 31 recipients only).** Response: No
- **Equipment costs not included in the original award.** Response: no
- **Changes in key personnel.** Response: no
- **Unplanned travel expenses** Response: no

Changes in the project's approved scope of work. Response: not at this time. They will likely provide a revised scope of work (to address changes in anticipated outputs for objectives 4 and 5) when they submit their request for FY13 funds.

3. Technical: POs are responsible for:

- > *comparing the recipient's work plan/application to actual progress under the award.*
- > *monitoring all activities and the recipient's progress on the project.*
- > *providing comments to the recipient on the progress reports and other work products.*
- > *apprizing program staff who are responsible for parts of the project/program on issues which need resolution.*
- > *recommending actions that require the attention of Grants Office or others.*

a. List work plan/application tasks, compare to actual work progress, and identify areas of concern cited in the progress report. Provide a summary of each task and current status:

Response:

#	Objective	Tasks	FY'09-14 Progress
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1	Program Management, Evaluation, and Planning	<ol style="list-style-type: none"> 1. Provide oversight and administration of Pennsylvania Chesapeake Bay effort. 2. Coordinate implementation of Pennsylvania's Chesapeake Bay Tributary Strategy. 3. Non-AMD TMDL development and tracking of nutrient reductions. 4. Technical and administrative assistance to the conservation districts, training to new conservation district staff. 5. Administer e-Commerce project for Chesapeake Bay BMPs and conservation district technicians and engineers. 6. Review each conservation district's administrative procedures and activities to assist in implementation of the Bay program. 7. Technical support to the DEP BMP Implementation Program which includes Stream Bank Fencing. 8. Conduct routine inspections of BMPs for compliance and maintenance in the FAFP program and conduct failed practice investigations. 9. Monitor projected funding needs for BMP implementation (see Objective #5). 	<p>Year 1 and year 2 work outputs for this project completed as of 6/30/11. \$1,097,212 expended out of \$1,097,212 budgeted through 6/30/11 (100%).</p> <p><u>Outputs Progress:</u></p> <ul style="list-style-type: none"> • Refer to Revised Semi-Annual Report (January 1, 2011 – June 30, 2011)
2	Monitoring and TMDL Development	<ol style="list-style-type: none"> 10. SRBC & DEP will coordinate selection of stream segments for non-AMD TMDL development 11. SRBC will develop non-AMD TMDLs employing various approved methods. 	<p>Year 1 and 2 work outputs for this project completed as of 6/30/11; \$411,000 expended out of \$411,000 budgeted through 6/30/11 (100%).</p> <p><u>Outputs Progress:</u></p> <ul style="list-style-type: none"> • Refer to Revised Semi-Annual Report (January 1, 2011 – June 30, 2011)

3	Chesapeake Bay Education Office	<p>12. Educational Mini-grant program results funded in previous years will be posted as they are received, and will continue to be maintained on the Bay Education Office website as a resource to conservation districts as they implement educational activities that support County Implementation Plans that address Chesapeake Bay Program/Tributary Strategy priorities.</p> <p>13. Conservation District Nutrient and Sediment Trading Support will provide educational services/tools that support conservation district activities involving nutrient trading. This may include developing fact sheets/brochures and facilitating small conservation work groups or larger basin-wide meetings.</p> <p>14. Workshops and Trainings will provide financial and/or other support for workshops and trainings that target needs and priorities identified in the County Implementation Plans, tributary strategy BMPs, and the annual “All Bay” meeting.</p> <p>15. Information Dissemination / Marketing will maintain a website, provide educational exhibit and print materials, maintain an audio visual loan library, and conduct a variety of activities to promote county conservation district programs and services that help address Chesapeake Bay Program/Tributary Strategy goals.</p>	<p>Year 1 and 2 work outputs for this project completed as of 6/30/11; \$63,335 expended out of \$63,335 budgeted through 6/30/11 (100%).</p> <p><u>Outputs Progress:</u></p> <ul style="list-style-type: none"> Refer to Revised Semi-Annual Report (January 1, 2011 – June 30, 2011)
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4	Technical Assistance	<ol style="list-style-type: none"> 16. Develop and maintain County Implementation Plans. 17. Collect farm data to develop nutrient management plans. 18. Assist with the planning, design, procurement, installation, and maintenance of BMPs consistent with the County Implementation Plan. 19. For quality control purposes, technicians will conduct annual reviews of agreements for program participants to establish that scheduled BMPs are installed on time, that the nutrient management plan is current and being followed, and that previously installed BMPs are being maintained. 20. Design, survey, computation, material testing and implementation of agriculture waste systems and other BMPs. 21. Assist in the preparation of bid packages and site showings. 22. Technical assistance on erosion and sedimentation control plans and problems. 23. Provide construction quality assurance checks and documentation on BMPs. 24. Provide training to conservation district nutrient technicians in quality assurance check procedures and documentation. 	<p>Year One work outputs for this project completed as of 6/30/10; Some Year Two work outputs were not completed, but others were exceeded. \$5,066,168 invoiced as of 6/30/11 out of \$5,249,272 budgeted through 6/30/11 (97%). Balance remaining is under staff discussion at this time on how to best utilize these funds for the program.</p> <p><u>Outputs Progress:</u></p> <ul style="list-style-type: none"> • Refer to Revised Semi-Annual Report (January 1, 2011 – June 30, 2011) • Outputs for “Nutrient Mgt Plans” and “Technical Assistance to Landowners” are slightly lower than projected for year two. Outputs for “BMPs Designed” are significantly higher than projected. At this time, no expectations to adjust activities to address this difference, as outputs for on the ground practices are most critical to achieving reductions of N, P and Sediments. DEP will monitor outputs and adjust if necessary.
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5	Cost Share Program	<p>25. Estimate need for cost share funds/Develop county implementation plans.</p> <p>26. Execute contracts with landowners</p> <p>27. Develop or review nutrient management plans, designs of BMPs, bidding or procurement documents, and payment of funds to landowners.</p> <p>28. Contract with vendor to install BMPs.</p> <p>29. Work with landowners to encourage participation.</p> <p>30. Review installation and inspect final project site.</p> <p>31. Report program accomplishments and costs incurred on a quarterly basis</p>	<p>Year One work outputs for this project incomplete; Year Two work outputs incomplete. \$1,249,956 expended as of 6/30/11 out of \$2,227,181 budgeted through 6/30/11 (56%).</p> <p><u>Outputs Progress:</u></p> <ul style="list-style-type: none"> • Refer to Revised Semi-Annual Report (January 1, 2011 – June 30, 2011) • In general, outputs are behind schedule. This is potentially due to the outputs being provided on an annual basis and the contracts for approved projects with county conservation districts to achieve these outputs being issued for two years. There is a systemic “lag time” for accomplishments that should be expected. • However, some of the targeted outcomes, particularly for “Precision Agriculture” may have been overstated in the 2009 grant submission. The current expectation is that the level of output for Precision Ag may not be reached in the future and this level of output may need to be revised downward to meet current expectations and the priority interests of PA’s agricultural industry.
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b. Is the work under the agreement on schedule?

Response: Yes for Objectives 1-3. Objective 4: Outputs for “Nutrient Mgt Plans” and “Technical Assistance to Landowners” are slightly lower than projected for year two. Outputs for “BMPs Designed” are significantly higher than projected. At this time, no expectations to adjust activities to address this difference, as outputs for on the ground practices are most critical to achieving reductions of N, P and Sediments. DEP will monitor outputs and adjust if necessary.

Objective 5: In general, outputs are behind schedule. This is potentially due to the outputs being provided on an annual basis and the contracts for approved projects with county conservation districts to achieve these outputs being issued for two years. There is a systemic “lag time” for accomplishments that should be expected. However, some of the targeted outcomes, particularly for “Precision Agriculture” may have been overstated in the 2009 grant submission. The current expectation is that the level of output for Precision Ag may not be reached in the future and this level of output may need to be revised downward to meet current expectations and the priority interests of PA’s agricultural industry.

Districts are encouraged to make strong efforts to implement the no-till farming, precision agriculture, cover crop planting, rotational grazing and stream bank fencing projects, however they are allowed to and have submitted work-plans for alternative projects that are beneficial to the Bay (such as roof runoff systems).

PADEP staff will direct Bay Field Reps to meet with their Districts and encourage them to implement the targeted projects. If Districts cannot get these projects started in a timely manner, PADEP staff will work with them to identify other acceptable projects, or the funding will be redirected.

c. Is the actual work being performed within the scope of the recipient’s work plan? Response: yes

d. Are the recipient’s staff and facilities appropriate to handle the work under the agreement? Response: yes

e. Based upon the progress reports and this review, is the recipient:

- **Generally submitting progress reports as required in the award and on time?** Response: yes
- **Submitting products/progress reports that are acceptable?** Response: yes
- **Has the recipient been notified in writing that the products/progress reports received to date are acceptable or not acceptable and the project file documented accordingly? If not, please notify the recipient and document the project file as a result of this monitoring review.** Response: yes

• **Meeting milestones and/or targets described in the award and/or scope of work?**
Response: Yes for Objectives 1-3. Objective 4: Outputs for “Nutrient Mgt Plans” and “Technical Assistance to Landowners” are slightly lower than projected for year two. Outputs for “BMPs Designed” are significantly higher than projected. At this time, no expectations to adjust activities to address this difference, as outputs for on the ground practices are most critical to achieving reductions of N, P and Sediments. DEP will monitor outputs and adjust if necessary.

Objective 5: In general, outputs are behind schedule. This is potentially due to the outputs being provided on an annual basis and the contracts for approved projects with county conservation districts to achieve these outputs being issued for two years. There is a systemic “lag time” for accomplishments that should be expected. However, some of the targeted outcomes, particularly for “Precision Agriculture” may have been overstated in the 2009 grant submission. The current expectation is that the level of output for Precision Ag may not be reached in the future and this level of output may need to be revised downward to meet current expectations and the priority interests of PA’s agricultural industry.

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PADEP staff will direct Bay Field Reps to meet with their Districts and encourage them to implement the targeted projects. If Districts cannot get these projects started in a timely manner, PADEP staff will work with them to identify other acceptable projects, or the funding will be redirected.

Note: Questions f. and g. pertain to environmental results. If your grant was awarded on or after January 1, 2005, the official date the Environmental Results Policy became effective, answer both g. and h. The CBP Grant and Cooperative Agreement Guidance states that the recipient is required to attach to each applicable performance report (semi-annual, quarterly, or final) an updated Work Plan and Progress Made Performance Results Under Assistance Agreements Form that was submitted with the grant application. If not received, obtain copy from recipient to assist in responding to questions g. and h. and to document file. If your grant was awarded prior to January 1, 2005, answer both questions as “NA”.

f. Is the recipient making agreed-upon progress in meeting environmental results and/or environmental outcomes and outputs (to the maximum extent practicable)

Response: Yes for Objectives 1-3. Objective 4: Outputs for “Nutrient Mgt Plans” and “Technical Assistance to Landowners” are slightly lower than projected for year two. Outputs for “BMPs Designed” are significantly higher than projected. At this time, no expectations to adjust activities to address this difference, as outputs for on the ground practices are most critical to achieving reductions of N, P and Sediments. DEP will monitor outputs and adjust if necessary.

Objective 5: In general, outputs are behind schedule. This is potentially due to the outputs being provided on an annual basis and the contracts for approved projects with county conservation districts to achieve these outputs being issued for two years. There is a systemic “lag time” for accomplishments that should be expected. However, some of the targeted outcomes, particularly for “Precision Agriculture” may have been overstated in the 2009 grant submission. The current expectation is that the level of output for Precision Ag may not be reached in the future and this level of output may need to be revised downward to meet current expectations and the priority interests of PA’s agricultural industry.

Districts are encouraged to make strong efforts to implement the no-till farming, precision agriculture, cover crop planting, rotational grazing and stream bank fencing projects, however they are allowed to and have submitted work-plans for alternative projects that are beneficial to the Bay (such as roof runoff systems).

PADEP staff will direct Bay Field Reps to meet with their Districts and encourage them to implement the targeted projects. If Districts cannot get these projects started in a timely manner, PADEP staff will work with them to identify other acceptable projects, or the funding will be redirected.

g. If the recipient is experiencing significant problems meeting agreed-upon outcomes and outputs, has the recipient been required to develop and implement a corrective action plan?

Response: no

4. Agreement Specific: POs to discuss which areas apply to this agreement, otherwise, NA:

>Reviewing progress reports and other work products to assure that the recipient is complying with the applicable programmatic regulations and programmatic terms and conditions in the agreement.

> Notifying Grants Office if the recipient is not complying with the terms and conditions of the agreement,

> Providing technical assistance to recipients when requested or required by the programmatic terms and conditions of the award.

>Assisting the recipient, where appropriate, with the development of a plan to conduct subsequent portions of the project.

a.) Pre-Award Costs: (For more information on pre-award costs, please review: 1) GPI-00-02 (a) entitled, "Clarification on GPI 00-02 Modification to Policy Guidance for 40 CFR Part 31 Pre-Award Costs," (May 3, 2000); 2) 40 CFR 30.25(f)(1) or 40 CFR 30.28 and; 3) 40 CFR 31.23.)

- Did the recipient incur costs prior to receiving the award? Response: yes
- If so, was the recipient's written request approved by the PO, file documented, and included on the assistance agreement? Response: yes

b.) Programmatic Conditions, Regulatory, and Statutory Requirements:

1. Programmatic Conditions:

a. Is the recipient complying with applicable programmatic terms and conditions of the award?

Response: yes

b. Has the recipient submitted Quality Assurance Project Plan (s) (QAPP)? If not applicable, list N/A? Response: yes The grantee has indicated that the E-commerce project will be completed by

December 2011. At that time, the grantee will need to submit a revised Quality Assurance Project Plan (QAPP) for BMP data.

c. Has the recipient submitted Quality Management Plan(s) (QMP)? If not applicable, list N/A?

Response: yes

d. If applicable, is an approved QMP/QAPP plan documented in file? Response: yes

e. Are all personnel responsible for implementing the QMP/QAPP familiar with its requirements? Response: yes

2. Statutory and Regulatory Requirements: (*Statutory pertains to Clean Water Act, Sec 117; Regulatory pertains to 40 CFR Part 30 for Non-Profit Organizations and Universities and Part 31 for State and Local Governments.*)

a. Have all Statutory requirements been met?

Response: In support of the Clean Water Act, Section 117, this project supports achievement of nutrient and sediment reductions from point and non point sources, including agricultural sources to help meet annual performance goals SP35, SP36 and SP37, which is in support of Chesapeake 2000 Agreement - Water Quality Protection & Restoration - to achieve and maintain the Water Quality necessary to support the aquatic living resources of the Bay and its tributaries and to protect human health.

b. Have all Regulatory requirements been met? (Use this statement provided the requirements in the applicable 40 CFR Part 30 or 31 requirements are being met.)

Response: All regulatory requirements are being met.

c.) Equipment/Supplies:

1. Did the recipient purchase equipment as planned in the agreement and was it used as planned? Response: N/A

2. Did the recipient purchase supplies as planned in the agreement and was it used as planned? Response: Yes.

d.) Travel: Was this authorized in the agreement and was it carried out appropriately?

Response: yes

e.) Conferences: Did the conference comply with the Best Practices Guide for Conferences?

Response: N/A

f.) Contracting practices: Written Code of Conduct/Ethics: Federal regulations require recipients to establish codes of conduct to eliminate any potential conflict of interest and to establish disciplinary actions for those violating the standards. *Note: (The minimum requirements are outlined in 40 CFR 30.42, Non-Profit Organizations, Universities; 40 CFR 31.36(3), State and Local Governments.)*

1. Contractual Costs: Were contractual/subcontract costs authorized in the assistance agreement? Costs must be approved in the contractual budget category in the assistance agreement. Response: yes

a. If yes, answer the following questions:

- are costs consistent with the approved work plan? yes
- budget category reflects funds for contracting? yes
- the recipient reprogrammed funds to contracting? no
- subcontracts SOW consistent with scope of the assistance agreement? yes

2. Does grant recipient have written contracting procedures? Response: yes – they are attached to all DEP contracting documents.

3. Competition: Was the contract competed/sole source; files documented? Response: yes

g. Subawards: Subaward Policy, effective May 15, 2007, requires all new awards and supplemental amendments awarded on or after May 15, 2007 must meet the requirements of the Directive. Subaward costs must be included under the “Other” budget cost category in the assistance agreement.

1. Does the work plan contain subaward work? Response: yes

a. If yes, does the recipient have subawards pertinent to the agreement/amendment work plan? Response: yes

b. If yes, is the recipient complying with the subaward policy requirements? yes

h.) Program Income: (POs must work with the recipient to resolve program-income related issues on agreements that generate program income.)

• Did the project generate unanticipated program income? Response: N/A

i.) EPA-Furnished In Kind: Was this satisfactorily used in the assistance agreement? Response: N/A

j.) Recipient Furnished/Third Party In Kind:

- **Met the conditions under 40 CFR 30.23 and 40 CFR 31.24?** Response: yes
- **Were any adjustments made to the cost share?** Response: no

5. Closeout Process (Applicable to Closeout Review): Closeout of the award occurs when all applicable administrative actions and all required work of the grant has been completed.

Note: (Project Officer should be aware of the recipients responsibility in the closeout process and review the general regulations (40 CFR 30.71 Universities & Non-Profits and 40 CFR 31.50 State and Local Governments) on Closeout Requirements with grantee.)

a. Are any funds remaining? If so, why and what tasks were not completed? Response: N/A

b. Has the Final Technical Report been submitted, reviewed, and approved? Response: N/A

c. Equipment/Supplies: *Project Officers should be aware and review with the recipient the disposition requirements outlined in 40 CFR 30.34 and 30.35 for Non-Profit Organizations and Universities; 40 CFR 31.32 and 31.33 for State and Local Governments. If the recipient no longer needs the equipment, please request from the recipient a list of equipment purchased, its fair market value and date of purchase.*

- **Is the recipient keeping the equipment?** Response: N/A
- **Is the recipient keeping the supplies?** Response: N/A

6. Based upon PO review and knowledge of this award, does PO recommend:

a. Award Amendment: Prior to responding, refer back to Part II, Items 2g & 2h on this report. Response: Not at this time. They will likely provide a revised scope of work (to address changes in anticipated outputs for objectives 4 and 5) when they submit their request for FY12 funds.

b. Advanced Programmatic Monitoring: If needed, discuss with Lori or Ronnie to either add to current list, if not already on, or next year's PO Advanced Programmatic Monitoring List in the Post Award Monitoring Plan. Response: no

c. Administrative Review completed by Grants Office: Respond "No". If major concerns exist to check "Yes", discuss with Lori or Ronnie prior to responding to this question. Response: no

d. OIG Referral: Respond "No" If major concerns exist to check "Yes", discuss with Lori or Ronnie prior to responding to this question. Response: no

e. More Frequent Baseline Monitoring Reviews (less than every six months) Response: no

7. Project Officer Suggestions and Recommendations (define as either major or minor):

Note: (Recommendations should have corresponding routes to/for resolution specified in report. Also, when major recommendations are made, EPA should explicitly require the recipient to develop and submit a corrective action plan to address the major recommendation.)

Response: Minor:

- The grantee has indicated that the E-commerce project will be completed by December 2011. At that time, the grantee will need to submit a revised Quality Assurance Project Plan (QAPP) for BMP data.
- The next semi-annual progress report will be due on April 1, 2012. Please be sure to use the correct template for submitting the report. Please be sure to report not only the \$\$ spent and outputs for the July 1, 2011 – Dec 31, 2011 period, but also include the cumulative \$\$ spent and cumulative outputs since the July 1, 2009 start date.
- A request for the FY12 increment of funds will need to be submitted by April 1, 2012, along with a revised workplan (to address changes in anticipated outputs for objectives 4 and 5). The changes in any outputs will need to result in the same (or better) water quality benefits.
- The semi-annual MBE/WBE reports are not being submitted on time. MBE/WBE reports need to be submitted to the EPA R3 Grant Office 30 days after the semi-annual periods ending 3/31 and 9/30 each year.
- The next interim Federal Financial Report (FFR) for this grant is due 9/30/12. Needs to be submitted to EPA Las Vegas Finance Center.
- Please remember to comply with the provisions in the FY10 and 11 CBP Grant Guidance.

8. Recipient Recommendations and Suggestions: Response:

- They will likely provide a revised scope of work (to address changes in anticipated outputs for objectives 4 and 5) when they submit their request for FY12 funds.
- They may need to extend the BB/PP end date to 6/30/15 when they submit request for FY13 funds.
- Asked if we could provide them with the most current "best practices guide for conferences". They want to be sure they understand what is considered a "conference" (as opposed to another type of meeting). Then, if they are having anything that might be considered a "conference" (they do not believe they have funded any conferences with CBIG \$\$), they want to be sure they understand the "rules" related to conferences. A copy of the Best Practices Management Guide was sent to them on 11/14/11.

9. Identify any areas where the recipient is significantly meeting or exceeding programmatic expectations: Response: N/A

10. Recommendations for the Grants Office, if any: Response: N/A

RESOLUTION PLAN AND TIMING - PART III

Prepare Corrective Action Plan, if applicable, to address major recommendation(s):

1. Tell the recipient when the corrective action plan is due, and clearly state what should be addressed.

2. Tell the recipient to whom they should send the corrective action plan (EPA contact) and where to send it, including phone number.

Response: N/A

Note:

1. Send a electronic copy of protocol to the recipient for comment.

2. cc: Ronnie Kuczynski

(Also, send to Ronnie any follow-up letters sent to recipient, and relevant e-mail messages)